Case 1:07-cv-05899-JSR Document 29 NEMO ENDORSED

UNITED STATES DISTRUCT COURT

Filed 08/21/2008 Page 1 of 3

JUL 23 2008

S.D. OF N.Y.

ELECTRONICALLY FILED

3 2008 F.N.Y

JERRY FRITH,

Plaintiff,

SOUTHERN DISTRICT OF NEW YORK

-against-

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USDC SDNY

DATE: 8/2/11

time to effect props in defendant It

defendant HII.

DATE: 8/20/08

HILL, et al.,

Defendant.

DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE

## MOTION FOR CERTIFICATE OF DECEMBE

Comes now, the above named plaintiff seeking a certificate of default pursuant to Rule 55(a) Fed. R. Civ. P., against, Corey Hill, a defendant in this action, for failure to file a answer to the complaint and summons seved upon him personally on May 7, 2008, in accordance to Rule 4(e)(2)(b) and Rule 4(i)(A)(ii). As proof of service, a copy of the United States Marshals Return Process Receipt and the docket sheet is enclosed.

The time to respond to the complaint has expired, and the defendant has not answered or made a motion, nor has defendant been granted an extension. Defendant is now in default. Therefore, plaintiff is requesting a "Clerk's Certificate" noting the default of the defendant.

DATED: 7/18/08

Respectfully submitted

s/ Ling Tuth

JERRY FRITH

## CERTIFICATE OF SERVICE

I certify under the panalty of perjury that on 7/18/08.

I mailed a copy of this motion and all attachments via first class mail to the following parties at the addresses listed below:

Andrew M. MeNecla Assistant United States Attorney Southern District of New York U.S. Department of Justice 85 Chambers Street, 3rd Floor New York, New York 10007

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